

**FILED**

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

JAN 16 2014

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY ruh DEPUTY

DEBORAH A. ROTH-RIEMANN, )  
)  
Plaintiff, )  
)  
vs. )  
)  
CAROLYN W. COLVIN, Acting )  
Commissioner, Social Security )  
Administration,<sup>1</sup> )  
)  
Defendant. )

No. CIV-12-1287-W

**ORDER**

On December 26, 2013, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this matter and recommended that the decision of Carolyn W. Colvin, Acting Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Supplemental Security Income filed by plaintiff Deborah A. Roth-Riemann be reversed. Magistrate Judge Mitchell further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Mitchell's Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Mitchell's finding that reversal as well as remand of this matter is warranted because under the circumstances of this case the Administrative Law Judge erred at step five of the five-step

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<sup>1</sup>Effective February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Colvin is hereby SUBSTITUTED for Michael J. Astrue as defendant in this action.

sequential evaluation process. The Court further agrees that this error is dispositive and that the Court therefore need not examine Roth-Riemann's remaining propositions. E.g., Watkins v. Barnhart, 350 F.3d 1297, 1299 (10<sup>th</sup> Cir. 2003).

Accordingly, the Court


(1) ADOPTS the Report and Recommendation [Doc. 16] issued on December 26, 2013;

(2) REVERSES the Commissioner's decision denying Roth-Riemann's Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Mitchell's Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order shall issue forthwith.

ENTERED this 16<sup>th</sup> day of January, 2014.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE